IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1095 OF 2007

Sambhaji Bhimrao Torane ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.G.R.Agarwal, Adv. for the Applicant.
Mr.K.V.Saste, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 16th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.46 of 2006 of Velapur Police Station. The said case is under Section 302 of IPC.

3. The only material against the applicant is "last seen" and recovery of axe. As far as recovery of axe is concerned, no blood stains were found on the said axe. Hence, the said recovery cannot connects the applicant with the crime. As far as the aspect of ‘last seen’ is concerned, the

deceased was an ex-employee of the applicant. It is the prosecution case that Kamal wife of the applicant was having an affair with the deceased Sanjay. Just before deceased Sanjay disappeared, the applicant saw his wife Kamal and deceased Sanjay sleeping together in the sugar-cane field. Thereafter, deceased Sanjay was found to be missing. The only material circumstance against the applicant appears to be ‘last seen’, which in my view is not sufficient to connect the applicant with the crime.

4. Looking to all these facts, I am inclined to grant bail to the applicant.

5. The applicant Sambhaji Bhimrao Torane to be released on bail in the sum of Rs.10,000/- with one or two sureties to make up the said amount. The applicant shall report to Velapur Police Station once in a week, till conclusion of the trial.

6. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)